

In the
Indiana Supreme Court

STATE OF INDIANA)	Supreme Court No. 01S00-0606-SJ-202
)	
vs.)	
)	Case No. 01C01-9210-CF-52
REX ASCHLIMAN)	in the Adams Circuit Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Adams Circuit Court, and pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Adams Circuit Court and Judge Frederick A. Schurger. The Chronological Case Summary reveals that Judge Schurger scheduled the defendant's motion to compel for hearing before the clerk's receipt of the defendant's praecipe for withdrawal of the submission. As such, the defendant is not entitled to relief under Ind. Trial Rule 53.1.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Adams Circuit Court and Judge Schurger.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Frederick A. Schurger, Adams Circuit Court, P.O. Box 610, Decatur, IN 46733-0610, and to the Clerk of the Adams Circuit Court.

The Clerk of the Adams Circuit Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of June, 2006.

Randall T. Shepard
Chief Justice of Indiana